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[CLICK HERE THE CEO's REPORT DATED AUGUST 16, 2007](#)

[CLICK HERE THE CEO's REPORT DATED SEPTEMBER 14, 2007](#)



County of Los Angeles CHIEF EXECUTIVE OFFICE

713 KENNETH HAHN HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

August 16, 2007

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

Two handwritten signatures are present. The first is a cursive signature, likely of William T. Fujioka, and the second is a more stylized signature, possibly of another official.

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

LOBBYIST ORDINANCE (ITEM NO. 55, AGENDA OF AUGUST 21, 2007)

On July 24, 2007, your Board, on the motion of Supervisor Molina, instructed my Office, the Executive Officer of the Board of Supervisors and County Counsel, to develop recommendations that will result in more stringent enforcement of the County's Lobbyist Ordinance (Ordinance). These recommendations were not limited to, but were to include options such as: 1) a mechanism for progressive discipline, including the permanent debarment from future contracts with the County and the cancellation of existing contracts for those companies which demonstrate a pattern of non-compliance; and 2) higher monetary penalties, including a percentage of existing contracts with the County, whichever is greater. Your Board instructed my Office and the aforementioned departments to report back with recommendations for your consideration at your meeting of August 21, 2007.

The current Ordinance requires lobbyists, lobbyist firms, and lobbyist employers, as defined in the Ordinance, who seek to influence official actions of the County, to register with the Executive Officer of the Board and to report their lobbying activities. The Ordinance contains several penalties for those who do not comply with its requirements, including a late filing fee of \$250, and if approved by your Board, denial of the right to address your Board or any County commission on behalf of others, denial of the County contract, permit, grant, license, or franchise which was the objective of the illegal lobbying activities, a civil liability of up to \$2,000, termination of registration and prohibition against re-registering until all penalties are satisfied. Pursuant to rules adopted by your Board, departments are obligated to make affected organizations and individuals, including our employees, aware of the provisions of the Ordinance.

In developing our recommendations, my Office reviewed Ordinance 2.175 *Post Government Employment and Lobbying Activities of County Officials* and other

applicable ordinances and regulations. Our recommendations are consistent with your Board's directive to develop more severe penalties and greater consequences for habitual offenders of the Ordinance and to better ensure increased compliance with the Ordinance. Based upon consultation with the applicable departments, we recommend amending the current Ordinance to:

- *Increase the maximum civil liability from \$2,000 to \$5,000 per violation that may be recovered in a civil action brought by the County against any person or entity who has failed to comply with requirements of the Ordinance, consistent with a similar provision of the California Political Reform Act;*
- *Establish an administrative fine procedure in which the Executive Officer of the Board may, at her discretion, impose an Administrative Fine of up to \$5,000 per violation for any person who violates any provision of the Ordinance and a Non-Compliance Fee of up to \$5,000 per violation for any person who fails to come into compliance with any provision of the Ordinance;*
- *Establish procedures in which lobbyists, lobbyist firms, and lobbyists employers may be suspended and prohibited from engaging in lobbying activities for repeated violations of any provision of the Ordinance;*
- *Increase the late filing fee from \$250 to \$25 per day after the filing deadline until the registration or report is filed, up to a maximum of \$500.*
- *Adopt a "good cause" provision within the Ordinance to allow for the waiving of late filing fees similar to the procedures employed by the Secretary of State's Office; and*
- *Incorporate other minor, housekeeping revisions to the Ordinance to make it more consistent with State statutes and regulations.*

Please note that we do not recommend the imposition of monetary penalties based upon a percentage of the existing contracts. Not all lobbyist employers are existing County contractors and, as such, would not be affected by the imposition of this type of monetary penalty, e.g., a developer seeking land use entitlements for a multi-million dollar housing project. In addition, these types of penalties may be viewed by courts as excessive and disproportionate in relation to the type of violation committed. We also do not believe it is practical for the County to automatically cancel contracts as a result of non-compliance with the Ordinance, as some of these contracts are for vital services and there is no immediate replacement for the provision of these services. Rather, we would recommend that these lobbyists and their employers not be allowed to compete for any new County contracts, permits, grants, licenses, or franchises, as already provided for in the Ordinance.

Each Supervisor
August 16, 2007
Page 3

Regarding the progressive discipline aspect of the Ordinance, we recommend the addition of new provisions to the Ordinance to provide for suspensions to the lobbyist's, lobbyist firm's, or lobbyist employer's registration, for non-compliance with the Ordinance, and repeated violations of the Ordinance will result in progressively longer suspensions for the lobbyist, lobbyist firm, or lobbyist employer. As a result of the suspension, the offending lobbyist, lobbyist firm, or lobbyist employer will be barred from engaging in County lobbying activities on any new County contracts, permits, grants, licenses, or franchises until the matter has been resolved to the County's satisfaction.

In addition, please note compliance with our Ordinance is a standard provision in all County contracts. Under our *Contractor Non-Responsibility and Debarment Ordinance* (County Code Chapter 2.202), the County has the authority to terminate contracts and to impose debarment of contractors for an appropriate period of time, including permanently, when the County finds, in its discretion, that the contractor has violated a term of a contract with the County. Of course, we would seek this remedy only in the most egregious cases.

Unless otherwise instructed by your Board, we will present to your Board, within 45 days, an amendment to the existing Ordinance that reflects our recommendations as described above. Should you have any questions regarding this memorandum, please contact me or your staff may contact Vincent Amerson of this Office at (213) 974-1168 or vamerson@ceo.lacounty.gov.

WTF:LN:MKZ
MLM:VLA:pg

c: All Department Heads



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

September 14, 2007

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name of the Chief Executive Officer.

Board of Supervisors
GLORIA MOLINA
First District

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Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

LOBBYIST ORDINANCE AMENDMENT (ITEM NO. 54, AGENDA OF SEPTEMBER 18, 2007)

On July 24, 2007, your Board, on motion of Supervisor Molina, instructed this Office, the Executive Office of the Board of Supervisors and County Counsel, to develop recommendations that will result in more stringent enforcement of the County's Lobbyist Ordinance (Ordinance). Those recommendations were submitted to your Board on August 16, 2007.

On August 21, 2007, in response to our report, your Board instructed this Office to: 1) review the current lobbyist registration fees, including fees charged to registered lobbyists, lobbyist firms, and lobbyist employers, to determine whether they are set at an appropriate level; and 2) draft an amendment to the existing Ordinance that would result in a progressive late filing fee procedure. Your Board instructed this Office and the aforementioned departments to report back with recommendations for your consideration.

The recommendations to amend the Ordinance have been expanded to include a recommendation to strengthen progressive late filing fees by increasing the amount the County may impose against lobbyists, lobbyist firms, and lobbyist employers who fail to file in a timely manner.

In addition, we are recommending to amend the Ordinance to increase current lobbyist registration fees to amounts consistent with those utilized by the City of Los Angeles. We have reviewed lobbyist registration fees imposed in similar jurisdictions to ensure any recommended fee increases were consistent and reasonable within the accepted standards of the industry. In conducting the analysis, we determined that the County's current registration fee schedule was outdated and increases were necessary to

recover costs incurred in administering the Ordinance. The proposed increase would make our fees consistent with other local public agencies and would be limited to cost recovery only.

Based upon consultation with the Executive Office of the Board of Supervisors and County Counsel, we recommend that your Board amend the Ordinance to:

- *Increase the maximum civil liability from \$2,000 to \$5,000 per violation that may be recovered in a civil action brought by the County against any person or entity who has failed to comply with requirements of the Ordinance, consistent with a similar provision of the California Political Reform Act;*
- *Establish an administrative fine procedure in which the Executive Office of the Board of Supervisors may, at their discretion, impose an Administrative Fine of up to \$5,000 per violation for any person who violates any provision of the Ordinance and a Non-Compliance Fee of up to \$5,000 per violation for any person who fails to come into compliance with any provision of the Ordinance;*
- *Establish procedures in which lobbyists, lobbyist firms, and lobbyist employers may be suspended and prohibited from engaging in lobbying activities for repeated violations of any provision of the Ordinance;*
- *Increase the additional fee imposed for late filing from a maximum of \$250 to \$25 per day for the first ten days a report is filed late, \$50 per day for the second ten days; and \$75 per day for the third 10 days and until the date that the filer comes into compliance with the provisions of the Ordinance or the date that any other penalties are imposed by your Board or the Executive Officer of the Board of Supervisors as provided for in the Ordinance, whichever comes first, if the filing is not made within 20 days after the due date;*
- *Establish an Annual Registration Fee of \$450 per individual lobbyist and \$75 for each lobbyist employer and eliminate the One-Time Registration Fee of \$35 per lobbyist firm, \$35 per lobbyist employer, and \$35 per individual lobbyist. In addition, we also recommend eliminating the \$15 fee for Quarterly Reporting and the \$15 Amendment Fee.*
- *Adopt a "good cause" provision within the Ordinance to allow for the waiving of late filing fees similar to the procedures employed by the Secretary of State's Office; and*
- *Incorporate other minor, housekeeping revisions to the Ordinance to make it more consistent with State statutes and regulations.*

Each Supervisor
September 14, 2007
Page 3

The proposed change in the current procedure to register as lobbyists, lobbyist firms, and lobbyist employers on an annual basis will require the Executive Office of the Board of Supervisors to make modifications to their Information Technology system currently utilized to track and manage the registration fee component of the Ordinance. Lead time is also necessary to ensure that all entities currently registered under the Ordinance are notified of the changes. This process is expected to require approximately six months to complete. As such, we recommend that the new lobbyist registration fees become effective on July 1, 2008. Please note that the other recommended amendments, including the progressive late filing fee, will become effective within 30 days of approval by your Board.

The proposed amendments to the Ordinance incorporating the above recommendations, including the progressive late filing fee procedures and the increased lobbyist registration fees, will be prepared by County Counsel. As a public hearing is required before the County may approve an increase in existing fees, after the necessary notice and publication requirements have been fulfilled, the proposed Ordinance amendments will be placed on the next available public hearing agenda for introduction, which we anticipate will be October 23, 2007. We will work with your Board offices to follow-up with any questions you may have regarding the recommendations.

Finally, as a result of the recommendations to amend the Ordinance, we anticipate the need to expend additional resources, offset by the fee increases, to provide training for departments, as well as resources for the Executive Office of the Board of Supervisors to monitor compliance with the Ordinance.

Should you have any questions regarding this memorandum, your staff may contact Vincent Amerson at (213) 974-1168 or vamerson@ceo.lacounty.gov.

WTF:LN:MKZ
MLM:VLA:

c: All Department Heads